

Department of Veterans Affairs

§ 52.2

(t) *Relationship to other Federal regulations.* In addition to compliance with the regulations set forth in this subpart, facilities are obliged to meet the applicable provisions of other Federal laws and regulations, including but not limited to those pertaining to non-discrimination on the basis of race, color, national origin, handicap, or age (38 CFR part 18); protection of human subjects of research (45 CFR part 46), section 504 of the Rehabilitation Act of 1993, Public Law 93-112; Drug-Free Workplace Act of 1988, 38 CFR part 44, section 44.100 through 44.420; section 319 of Public Law 101-121; Title VI of the Civil Rights Act of 1964, 38 CFR 18.1-18.3. Although these regulations are not in themselves considered requirements under this part, their violation may result in the termination or suspension of, or the refusal to grant or continue payment with Federal funds.

(u) *Intermingling.* A building housing a facility recognized as a State home for providing nursing home care may only provide nursing home care in the areas of the building recognized as a State home for providing nursing home care.

(v) *VA Management of State Veterans Homes.* Except as specifically provided by statute or regulations, VA employees have no authority regarding the management or control of State homes providing nursing home care.

(Authority: 38 U.S.C. 101, 501, 1710, 1741-1743, 8135)

PART 52—PER DIEM FOR ADULT DAY HEALTH CARE OF VETERANS IN STATE HOMES

Subpart A—General

Sec.

52.1 Purpose.

52.2 Definitions.

Subpart B—Obtaining Per Diem for Adult Day Health Care in State Homes

52.10 Per diem based on recognition and certification.

52.20 Application for recognition based on certification.

52.30 Recognition and certification.

Subpart C—Per Diem Payments

52.40 Monthly payment.

52.50 Eligible veterans.

Subpart D—Standards

52.60 Standards applicable for payment of per diem.

52.61 General requirements for adult day health care program.

52.70 Participant rights.

52.71 Participant and family caregiver responsibilities.

52.80 Enrollment, transfer and discharge rights.

52.90 Participant behavior and program practices.

52.100 Quality of life.

52.110 Participant assessment.

52.120 Quality of care.

52.130 Nursing services.

52.140 Dietary services.

52.150 Physician services.

52.160 Specialized rehabilitative services.

52.170 Dental services.

52.180 Administration of drugs.

52.190 Infection control.

52.200 Physical environment.

52.210 Administration.

52.220 Transportation.

AUTHORITY: 38 U.S.C. 101, 501, 1741-1743, unless otherwise noted.

SOURCE: 67 FR 662, Jan. 7, 2002, unless otherwise noted.

Subpart A—General

§ 52.1 Purpose.

This part sets forth the mechanism for paying per diem to State homes providing adult day health care to eligible veterans and includes quality assurance requirements that are intended to ensure that veterans receive high quality care in State homes.

§ 52.2 Definitions.

For purposes of this part—

Activities of daily living (ADLs) means the functions or tasks for self-care usually performed in the normal course of a day, i.e., mobility, bathing, dressing, grooming, toileting, transferring, and eating.

Clinical nurse specialist means a licensed professional nurse with a master's degree in nursing and a major in a clinical nursing specialty from an academic program accredited by the National League for Nursing.

Facility means a building or any part of a building for which a State has submitted an application for recognition as a State home for the provision of